



NEW YORK STATE SENATOR

Catharine Young

Wiffle Ball Saved From Nanny State Rules

CATHARINE YOUNG April 20, 2011



ALBANY – State health officials made the right decision by nixing a proposal to deem children’s games such as freeze, kickball, tag and Wiffle ball dangerous, said Senator Catharine Young (R,C,I – Olean).

The reversal followed an uproar when villages, towns and other summer day camp operators received notice from the New York State Department of Health (DOH) that common playground games posed a “significant risk of injury,” and would require additional safety regulations that would make many programs unaffordable to operate, said Senator Young.

“This situation is a classic example of state government run amuck. Overregulation and red tape from Albany continue to cause significant problems. At least the kids won this round. Summer fun won’t be outlawed,” she said.

Senator Young said she first learned of the new rules after she was contacted by a local town board member.

In an email, the official wrote, “These regulations would put a financial burden on our town and we would probably have to cancel most of our recreation programs. They want our children to exercise to have better health, and then they do this.”

Senator Young agreed.

“Childhood obesity is an epidemic, and kids already are too sedentary. Discouraging them from running around and playing games is the worst thing the state could do.”

DOH drafted the list of “risky” activities in response to a 2009 law that was supposed to close a loophole that allowed indoor day camps to operate without the same state oversight required of outdoor day camps.

The state’s rules would have mandated programs to acquire a \$200 state permit and have medical staff available at all times.

“Having to hire nurses to supervise games such as Dodge ball and Red Rover was over the top. Most summer programs already operate on shoestring budgets,” Senator Young said.

The playground games were lumped in with more advanced activities such as archery, horseback riding, shooting rifles and martial arts.

“I agree that these types of activities should require more supervision and safety training, and it is appropriate to classify them differently. But playing tag just doesn’t compare,” Senator Young said.

“The new DOH Commissioner Nirav Shah had the common sense to pull these regulations back. DOH said they now realize they were micromanaging, and have promised to withdraw and redraft the rules,” she said.

DOH is inviting public input before the new regulations are finalized.

Public comments may be made through May 16 to gather suggestions regarding what sports, games and other activities should require camps to follow health regulations.

Mail comments to Katherine Ceroalo, DOH, Bureau of House Counsel, Regulatory Affairs Unit, Room 2438ESP, Tower Building, Ablany, NY 12237; or email them to regsqa@health.state.ny.us.

#####